

REMARKS

Reconsideration of the above-identified application in view of the present amendment and the following remarks is respectfully requested.

By the present amendment, claims 1-22 have been cancelled. Claims 23-35 have been added.

The Examiner's indication that claims 4, 21 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged with appreciation. Claim 23 is claim 4 rewritten in independent form. Claim 34 is claim 21 rewritten in independent form. Claim 35 is claim 22 which now depends from claim 34.

Claim 24 is claim 11 which now depends from claim 23. Claim 25 is claim 20 which now depends from claim 23. Claims 24 and 25 constitute further limitations to allowable claim 23. Claims 24-25 should also be allowable.

Claim 26 is claim 12 rewritten in independent form. The rejection under 35 USC §112, second paragraph regarding claim 12 is respectfully traversed. Claim 12 properly states that a converging air flow is generated. Page 5 of the specification, lines 3-7 state that, in an alternative embodiment not shown in the drawings, the slotted links are arranged so that the vanes are not spread out fan-like when the first coupling element is adjusted but rather are arranged in a converging fashion which leads to a converging air stream. Thus, it is respectfully requested that the rejection

be withdrawn since the limitation regarding a converging air flow is not misdescriptive.

Claim 12 was rejected under 35 USC §102(b) as being anticipated by Mikowski. Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983), cert. denied 469 U.S. 851 (1984).

Additionally, the single prior art reference must disclose each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984).

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention". Scripps Clinic & Research Foundation v. Genentech Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). "The identical invention must be shown in as complete detail as is contained in the ... claim". Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Mikowski does not disclose that the vanes could be arranged in a converging fashion so that a converging air flow is generated. Instead, Mikowski shows an air diffuser which allows to have the vanes either in parallel arrangement, which is shown in Fig. 3, or spread out such that a diverging air flow is generated, which is shown in Fig. 4. Thus, claim 12 should be allowed.

Claim 27 is claim 13 which now depends from claim 26. Claim 27 defines over the patent to Mikowski for the same

reasons as claim 26 and for the specific limitations recited therein. The patent to Mikowski does not disclose that the coupling element is adjusted in a translational direction and including all the limitations of claim 26. Thus, claim 27 should be allowed.

Claim 28 is claim 14 rewritten in independent form. Claim 14 has been rejected under 35 USC §103(a) as being obvious over Mikowski in view of JP 61-86529. To establish obviousness of a claimed invention, the prior art references when combined, must teach or suggest all the claim limitations. In addition, there must be some suggestion or motivation to a person having ordinary skill in the art to modify the reference (MPEP §706.02(j)).

The combination of JP 61-86529 and Mikowski does not disclose a return spring which biases the coupling element into the neutral position.

The attached English Abstract of JP 61-86529 does not state that spring 14 is a return spring. Regarding Fig. 2 of JP 61-86529, operation lever 4 can be displaced between two positions. A first position is shown in Fig. 2b. In this position, the larger cam is arranged between the right and the left links 3a, 3b. Spring 14 appears to be provided in order to ensure that links 3a, 3b remain in contact with the cams provided on operation lever 4 rather than biasing operation lever 4 into a specific position. Moreover, assuming for the sake of argument, that spring 14 is a return spring, it does not bias the coupling element into the neutral position. Rather, spring 14 acts on operation lever 4 which is

comparable to gripping projection 50 of the subject application. Thus, since the cited combination does not teach or suggest all the claim limitations, claim 28 should be allowable.

Claims 29 and 30 depend from claim 28 and constitute further limitations to an allowable claim. Claims 29 and 30 define over the prior art for the same reasons as claim 28 and for the specific limitations recited therein.

Regarding claim 29, the combination of Mikowski and JP 61-86529 does not disclose that the return spring acts between the coupling element and the frame and including all the limitations of claim 28. Thus, claim 29 should be allowed.

Regarding claim 30, the combination of Mikowski and JP 61-86529 does not disclose that the return spring acts between the coupling element and one of the vanes and including all the limitations of claim 28. Thus, claim 30 should be allowed.

Claim 31 is claim 17 rewritten in independent form. Claim 17 defines over the patent to Mikowski. The patent to Mikowski does not disclose an actuation element which is provided on the frame and is a separate structure from the coupling element. Rather, knob 44 formed on control louver 42 can be considered as an actuation element. However, knob 44 is not arranged on the frame but is part of one of the vanes. Thus, claim 31 should be allowable.

Claims 32 and 33 depend from claim 31 and constitute further limitations to an allowable claim. Claims 32 and 33

Serial No. 10/023,596

define over the prior art for the same reasons as claim 31 and for the specific limitations recited therein.

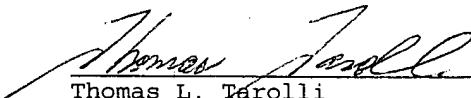
Regarding claim 32, the patent to Mikowski does not disclose that the actuation element is provided with a push-button that is accessible from outside of the air vent and including all the limitations of claim 31. Thus, claim 32 should be allowed.

Regarding claim 33, the patent to Mikowski does not disclose that a latching mechanism is provided that can hold the actuation element in a pushed-in position, so that the coupling element remains in the comfort position until the next actuation and including all the limitations of claim 31. Thus, claim 33 should be allowed.

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177
Customer No. 26,294

TAROLLI, SUNDHEIM, COVELL
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072